

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul Higginbotham,
Complainant,

vs.

Pacific Bell Telephone Company,
Defendant.

Case 01-03-028
(March 7, 2001)

Izu Klepper,
Complainant,

vs.

Pacific Bell Telephone Company,
Defendant.

Case 01-05-059
(May 17, 2001)

Asha Goldberg,
Complainant,

vs.

Pacific Bell Telephone Company,
Defendant.

Case 01-05-068
(May 28, 2001)

Raymond A. Chamberlin,
Complainant,

vs.

Pacific Bell Telephone Company,
Defendant.

Case 01-07-023
(July 16, 2001)

Edward H. Joseph,
Complainant,

vs.

Pacific Bell Telephone Company,
Defendant.

Case 01-11-008
(November 5, 2001)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. The above-captioned adjudicatory cases are very unlikely to be resolved by March 6, 2002 (i.e., the 12-month deadline for the earliest-filed case) for reasons discussed below, and we are extending the deadline accordingly.

These cases were consolidated because they involve closely related, material issues of law and fact. On October 19, 2001, a prehearing conference was held. At that time the parties agreed that a workshop led by Telecommunications Division staff would be helpful. Such a workshop occurred on November 29, 2001. Subsequently, Pacific Bell responded to a series of data requests from the staff.

On January 28, 2002, the parties submitted a joint status report which showed that the parties had failed to reach agreement on the issues in this case. Evidentiary hearings are being scheduled for March and April 2002. Preparation of testimony, holding the hearings, briefing, preparation of the Presiding Officer's Decision (POD), and Commission consideration of any appeals from the POD are likely to require six months or more. Consequently, there is insufficient time to resolve this matter prior to the statutory deadline.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. Evidentiary hearings and the associated steps needed to resolve these consolidated proceedings cannot be completed before the 12-month statutory deadline runs.
2. An extension is required to the parties to file responses to the request for review.

Conclusion of Law

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, until further order.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until further order.

This order is effective today.

Dated _____, at San Francisco, California.